



Deposition of:  
**Robert Herrick , MD**

*November 21, 2019*

In the Matter of:  
**Benzene - Coppage v. U.S. Steel  
Corporation**

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ROBERT F. HERRICK, Sc.D., CIH, FAIH67

1 THE WITNESS: Yeah.

2 BY MR. CAIRONE:

3 Q. Give me five minutes to look  
4 at my notes. I might be done.

5 A. Okay.

6 (Whereupon there was a recess  
7 in the proceeding from 10:11 a.m. to  
8 10:16 a.m.)

9 - - -

10 (Whereupon the document was  
11 marked, for identification purposes,  
12 as Herrick Exhibit Number 3.)

13 - - -

14 BY MR. CAIRONE:

15 Q. I have one or two questions,  
16 based on these new notes. And, again,  
17 without waiving my reservation of rights and  
18 the motion to strike I put on the record  
19 earlier, I'll ask you a question.

20 We've marked Exhibit 3, Dr.  
21 Herrick, which is a copy of the three  
22 typewritten pages of -- I think it's three.  
23 Yes. Three typewritten pages of notes that  
24 you've produced this morning. And the one

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1 thing I want to ask you about is --  
2 Stallings is Exhibit 2. You have a note  
3 there. Do you see your notes?

4 A. I do.

5 Q. Can you read what your note  
6 says?

7 A. Shown -- Is this the right  
8 one? Under Stallings Exhibit 2?

9 "Shown the label of the  
10 Hancolite Glaze Cleaner and says that the  
11 label was on the side of the drum. Page 66,  
12 1 through 10."

13 Q. So when you read page 66 of  
14 Mr. Stallings' deposition, that's what you  
15 took away from that, that he said the  
16 Hancolite Glaze Cleaner label was on the  
17 side of the drum?

18 A. I think that that's accurate.  
19 Yeah. I don't have the deposition right in  
20 front of me, but that's --

21 Q. Well, I do.

22 A. Okay.

23 Q. And the question is: "Okay.  
24 Tell us what, if anything, you remember in

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1 terms of signage, labelage, anything that in  
2 terms of the 55-gallon drum is similar to  
3 what you see in Plaintiff's Exhibit 2."

4 Answer: "In addition to  
5 Hanco, the other two products I mentioned,  
6 they had these labels on the side of the  
7 drum and on the top of the drum. They were  
8 all there. They were -- all three were about  
9 the same. And they were either taped on or  
10 glued on, so they were readily visible,  
11 visibly available. You had to be a blind  
12 person not to see them."

13 Did you take that to be an  
14 answer that he saw the Hancolite Glaze  
15 Cleaner label on all three of the products  
16 that he used?

17 A. Oh, I see what you're saying.  
18 No, they weren't -- I mean, I understand the  
19 question. They were not all three Hancolite  
20 Glaze Cleaner. What I think was being  
21 referred to in the question was some of the  
22 other information that's on that label. He  
23 recognized that.

24 Q. He recognized the Hanco name.

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1 MR. DuPONT: Objection, form.

2 BY MR. CAIRONE:

3 Q. Because in the context of the  
4 rest of his testimony, he said, "I couldn't  
5 identify the product and I couldn't identify  
6 the number." We've already established that.  
7 Right?

8 MR. DuPONT: Objection,  
9 compound.

10 THE WITNESS: Right. What I  
11 was referring to, though, is there's  
12 other information on that label. And  
13 my interpretation of it was that he  
14 was including that. That's what he  
15 was referring to.

16 BY MR. CAIRONE:

17 Q. But you're not saying that  
18 that passage from the deposition means that  
19 all three of these solvents had Hancolite  
20 Glaze Cleaner on it. That wouldn't -- that  
21 couldn't be possible. They were made by  
22 different companies.

23 A. Absolutely. I wasn't trying to  
24 imply that he was claiming all three of them

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1 were Hancolite glaze cleaner, no.

2 Q. Are you trying to assume from  
3 this that he was saying one was?

4 MR. DuPONT: Objection, form.

5 THE WITNESS: Well, that would  
6 have been -- that -- I would assume  
7 that, you know, since the universe of  
8 products is only three, and, you  
9 know, he had mentioned that the Hanco  
10 product was one of them.

11 BY MR. CAIRONE:

12 Q. He mentioned Hanco. Right?

13 A. Right.

14 Q. And it says Hanco on Exhibit  
15 2. Right?

16 A. I don't have it in front of  
17 me. I think so.

18 Q. Have you looked at Exhibit 2?

19 A. Sure. But I can't remember  
20 just sitting right here now.

21 Q. But you'll agree with me that  
22 in his deposition he said he could not  
23 identify the product name, the Hanco product  
24 name.

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1 Q. So that would be yet another  
2 reason why, if you had looked at these  
3 documents, you would have found evidence  
4 that MS-408 could not have been the Hanco  
5 solvent identified by Mr. Stallings at  
6 News-American and Baltimore Sun from 1960 to  
7 '69, because those operations were  
8 letterpress. They were not offset press.  
9 Correct?

10 MR. DuPONT: Form and compound.

11 THE WITNESS: I don't know  
12 that I would necessarily, you know,  
13 find that to be, you know, quite so  
14 conclusive. I mean, over the years  
15 of doing this stuff, you know, I find  
16 that people tend to use what they  
17 think works and what's effective at  
18 the lowest price.

19 I mean, I do take your point  
20 about what the company, you know,  
21 mentions here as being the intended  
22 use, but I wouldn't say that that  
23 rules out that people use the  
24 material for a slightly different

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purpose.

BY MS. PROSSER:

Q. All right. Well, I want you to  
look at the exhibits to the Charles Graham  
Affidavit that are all attached to Mr.  
Adams' report. And there's some Bates  
numbers at the bottom and you're going to  
have to scroll through until you get to  
H-D001996.

MR. DuPONT: Do you have a  
copy for him to look at?

MS. PROSSER: No, he was given  
the report. So, no, I don't have it.  
But it's part of the exhibits to Mr.  
Adams' report.

MR. DuPONT: Yeah, we  
understand that, but he doesn't have  
a copy in front of him and I've got  
to use my computer.

MS. PROSSER: I thought you  
had pulled it out. How can he  
comment on --

MR. DuPONT: I have to use my  
computer. I did you a favor. If you



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1 want to take a deposition using  
2 documents, it's your responsibility  
3 to have the documents prepared for  
4 the witness to look at, not mine.

5 BY MS. PROSSER:

6 Q. Do you understand that offset  
7 printing, Dr. Herrick, is, you don't use  
8 raised letters like you do on the  
9 letterpress, but you use plates that have an  
10 image on them?

11 A. I do understand that, yeah.

12 Q. Okay. I'm going to read you  
13 from the exhibit to Mr. Graham's Affidavit  
14 attached to Mr. Adams' report at H-D001996.  
15 And it's a brochure about a Handschy  
16 product. This was attached to Mr. Graham's  
17 Affidavit. And it says at the top, MS-408  
18 Hancolite. And it says --

19 MR. DuPONT: Counsel, you're  
20 going to have to hold on for a  
21 second.

22 Which Bates number are you  
23 referring to?

24 MS. PROSSER: D001996. And

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1 it's part of exhibit -- Hold on.

2 MR. DuPONT: 1196?

3 MS. PROSSER: 1996. 1996.

4 So if you go to the Graham  
5 Affidavit, and then you go to his  
6 exhibits to that, there's an Exhibit  
7 E that has to do with the 408.  
8 They're all documents related to 408.  
9 Are you looking for it?

10 MR. DuPONT: Okay. I'm at  
11 Bates Number 1996.

12 BY MS. PROSSER:

13 Q. Okay, so at the very top,  
14 Doctor, it says, "MS-408 Hancolite." And the  
15 last sentence -- feel free to review the  
16 whole paragraph, but I'm going to ask you  
17 about the last sentence.

18 It says, "It," meaning MS-408  
19 Hancolite, "will remove unwanted images on  
20 deep etch plates."

21 Now, images on deep edge  
22 plates is an offset printing procedure, not  
23 a letterpress printing procedure. Correct?

24 MR. DuPONT: Form, lacks

1           ROBERT F. HERRICK, Sc.D., CIH, FAI120  
2           foundation.

3           THE WITNESS:   Sure.   Yes.

4           BY MS. PROSSER:

5           Q.           Okay. So that is yet another  
6           reason that MS-408 could not have been the  
7           Hanco solvent that is identified by Mr.  
8           Stallings because, according to the  
9           documents for Handschy, MS-408 was an offset  
10          printing chemical.   Correct?

11          MR. DuPONT:   You're  
12          misrepresenting what this document  
13          says.

14          THE WITNESS:   I'm just trying  
15          to, you know, look through, you know,  
16          the range of information. And at the  
17          head of this, you know, product  
18          description, it says, "A powerful  
19          combination of solvents with so many  
20          uses that not to have it available  
21          means frustration and loss of time."

22          So I try, you know, to kind  
23          of, you know, take this information  
24          for what it's worth. And, you know,  
25          it looks to me like the company, you